

REMARKS

Claims 1-9 are pending in the application. Claims 1-5 have been amended. No new matter has been added. Reconsideration is respectfully requested.

Claims 1 and 8 have been rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over the claims 1 and 2 of U.S. Patent No. 6,656,194. A Terminal Disclaimer is being filed concurrently herewith to obviate the double patenting rejection.

Claims 1-9 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Deem et al. (U.S. Patent No. 6,558,400). Claim 1 has been amended to now recite:

attaching a first magnetic anchor to the tissue fold on the interior of the stomach wall; and

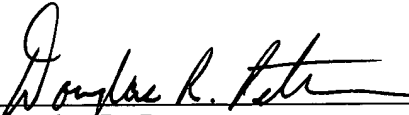
attaching a second magnetic anchor to the tissue fold on the exterior of the stomach wall...

Support for this amendment can be found in the specification with reference to FIGS. 7A and 7B. Deem et al. does not teach attaching first and second magnetic anchors to a tissue fold on the interior and exterior of the stomach wall. Therefore, independent claim 1, and claims 2-9 which depend therefrom, are patentably distinguishable over Deem et al.

It is believed that claims 1-9, as amended, are patentably distinguishable over the art and now contain allowable subject matter. If a telephone conference would facilitate prosecution of the application, the undersigned can be reached at (310) 824-5555.

Respectfully submitted,

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